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EXAMINER	
PANI, JOHN	
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3736	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/510,926	KAMO ET AL.	
	Examiner	Art Unit	
	JOHN PANI	3736	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 April 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) *16-18* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *29 April 2008* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings were received on 4/29/2008. These drawings are accepted.

Response to Arguments

2. Applicant's arguments filed 4/29/2008 have been fully considered but they are not persuasive. In response to Applicant's argument that Fardin's apparatus fails to disclose "the feature of drawing associated nerve pathways in the whole nerve pathway diagram displayed on the display according to abnormal neural finding and calculating a position of each of the associated lesions based on the associated nerve pathways drew on the display and indicating the associated lesions in the whole nerve pathway", the Examiner respectfully disagrees. Fardin teaches drawing associated nerve pathways in the whole nerve pathway diagram displayed on the display according to abnormal neural finding (As noted in the Office Action of 10/29/2007, the processor determines the nervous trunks that may be the sites of the lesion and then displays them, see pg. 18, lines 4-10. Each of these nervous trunks would be a part of the whole nerve pathway diagram, and the drunks are "drawn" by displaying them). Fardin further teaches calculating a position of each of the associated lesions based on the associated nerve pathways drawn on the display (the position of the location is determined by Fardin to be within the nervous trunk) and indicating the associated lesions in the whole

nerve pathway (the nervous trunks which likely have lesions are indicated by being displayed, and these nervous trunks are a part of the whole nerve pathway)

Claim Objections

3. Claims 1, 3-10, and 12-14 are objected to because of the following informalities:

In reference to Claim 1

In line 7, the language "part extracting" makes it unclear whether the claim is directed to a method or device. It is suggested to replace "part extracting" with --part configured for extracting--.

In line 14, the language “part displaying" makes it unclear whether the claim is directed to a method or device. It is suggested to replace "part displaying" with --part configured for displaying--.

In lines 17-18, the language "part drawing" makes it unclear whether the claim is directed to a method or device. It is suggested to replace "part drawing" with --part configured for drawing--.

In line 23, the language “part calculating” makes it unclear whether the claim is directed to a method or device. It is suggested to replace "part calculating" with --part configured for calculating--.

In line 25 it is suggested to replace “drew” with –drawn--.

In reference to Claim 3

In line 3, the language "part extracts" makes it unclear whether the claim is directed to a method or device. It is suggested to replace "part extracts" with --part is configured to extract--.

In reference to Claim 4

In line 3, the language "part detects" makes it unclear whether the claim is directed to a method or device. It is suggested to replace "part detects" with --part is configured to detect--.

In reference to Claim 5

In lines 9 and16, the language "part extracting" makes it unclear whether the claim is directed to a method or device. It is suggested to replace "part extracting" with --part configured for extracting--.

In line 22, the language "part drawing" makes it unclear whether the claim is directed to a method or device. It is suggested to replace "part drawing" with --part configured for drawing--.

In line 25, the language "part calculating" makes it unclear whether the claim is directed to a method or device. It is suggested to replace "part calculating" with --part configured for calculating--.

In reference to Claim 6

In lines 6-7 it is suggested to replace "the every cut surfaces" with –all cut surfaces--.

In reference to Claim 7

In line 3, the language “part extracts” makes it unclear whether the claim is directed to a method or device. It is suggested to replace "part extracts" with --part is configured to extract--.

In reference to Claim 8

In line 3, the language “part detects” makes it unclear whether the claim is directed to a method or device. It is suggested to replace "part detects" with --part is configured to detect--.

In reference to Claim 9

In line 2, the language “part switching” makes it unclear whether the claim is directed to a method or device. It is suggested to replace “part switching” with –part configured for switching--.

In reference to Claim 10

In lines 4-5 it is suggested to replace "exterior oculomotor restriction no" with --lack of exterior oculomotor restriction--.

In reference to Claim 12

In line 3, the language “part extracts” makes it unclear whether the claim is directed to a method or device. It is suggested to replace “part extracts” with –part is configured to extract--.

In reference to Claim 13

In line 3, the language “part detects” makes it unclear whether the claim is directed to a method or device. It is suggested to replace "part detects" with --part is configured to detect--. In line 4 it is suggested to replace “the highest” with –a highest--.

In reference to Claim 14

In line 3, the language “part removing” makes it unclear whether the claim is directed to a method or device. It is suggested to replace “part removing” with –part configured for removing--. In line 7 it is suggested to replace “drew” with –drawn--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

In reference to Claims 1-15

In lines 7-12 of claim 1, it is unclear whether the limitation "a first data extraction part extracting data for drawing associated nerve pathways related to abnormal neural findings from the data stored in said first data recording part according to neural finding data inputted through said first input part" limits the claim such that the first data extraction part is drawing associated nerve pathways from the data stored in said first data recording part; or instead is drawing associated nerve pathways according to

neural finding data inputted through said first input part; or instead is drawing associated nerve pathways from some unclear combination of the data stored in said first data recording part and the neural finding data inputted through said first input part. This lack of clarity regarding the scope of the claim renders the claim indefinite.

In lines 17-20 of claim 1, it is unclear whether the limitation “an associated nerve pathway indication part drawing associated nerve pathways in the whole nerve pathway diagram displayed on said display based on the data extracted by said first data extraction part" limits the claim such that the associated nerve pathway indication part draws, in the whole nerve pathway diagram displayed on the display, associated nerve pathways based on data extracted by the first data extraction part; or instead if the associated nerve pathway indication part draws associated nerve pathways in the whole nerve pathway diagram, and the whole nerve pathway diagram is displayed on the display based on data extracted by the first data extraction part. This lack of clarity regarding the scope of the claim renders the claim indefinite.

In lines 22-26 of claim 1, it is unclear whether the limitation “an associated lesion estimation and indication part calculating a position of each of associated lesions and indicating the associated lesions in the whole nerve pathway diagram based on the associated nerve pathways drew on said display by said associated nerve pathway indication part” limits the claim such that the associated lesion estimation and indication part calculates, then indicates in the whole nerve pathway diagram, the position of associated lesions, where the calculation and indication of the position are based on the associated nerve pathways drawn on the display; or instead such that the associated

lesion estimation and indication part calculates the position of associated lesions and indicates the associated lesions in the whole nerve pathway diagram, where the whole nerve pathway diagram is based on the associated nerve pathways drawn on the display by said associated nerve pathway indication part. This lack of clarity regarding the scope of the claim renders the claim indefinite.

In reference to Claim 3-10

In lines 6-9 of claim 3, it is unclear whether the first data extraction part extracts data of curves and straight lines representing nerve fascicles which connect the associated nerve nuclei with each other, and this and the other extractions happen when a neural finding is an abnormal finding; or instead if the first data extraction unit extracts data of curves and straight lines representing nerve fascicles which connect the associated nerve nuclei with each other, and the connection occurs when a neural finding is an abnormal finding. This lack of clarity regarding the scope of the claim renders the claim indefinite.

In reference to Claims 4-10

In lines 3-6 of claim 4, it is unclear whether the estimation and indication part detects two regions, a first region where associated nerve pathways displayed on the display intersect with each other, and a second region where associated nerve pathways approach each other at closest region; or instead if the estimation and indication part detects a single region where associated nerve pathways intersect both each other and intersect a region where other associated nerve pathways approach each other at closest distance. Additionally, in lines 7-8, the claim refers to “associated

lesions" and "the associated lesion". It is unclear whether these are the same or different objects. This lack of clarity regarding the scope of the claim renders the claim indefinite.

In reference to Claims 5-10

In lines 5-8 of claim 5, it is unclear whether the limitation "part for receiving input data of selection as to a cut surface of which region is to be indicated in the whole nerve pathway diagram displayed on said display" limits the claim such that the part receives input of a selection of a cut surface of which a region is to be indicated in the whole nerve pathway diagram; or instead of the part receives input of a selection as to which region of a cut surface is to be indicated in the whole nerve pathway diagram; or if the part receives input of a selection of which region of the whole nerve pathway diagram is to be displayed as a cut surface on the display. This lack of clarity regarding the scope of the claim renders the claim indefinite.

In lines 9-15 of claim 5, it is unclear whether the second data extraction part extracts data for drawing associated nerve pathways, and the associated nerve pathways are related to abnormal neural findings in a cut surface of a specified region; or instead if the second data extraction part extracts data for drawing associated nerve pathways, and the associated nerve pathways are related to abnormal neural findings, and the drawing occurs in a cut surface of a specified region. It is further unclear whether the data is stored in the second data recording part according to both the data inputted through the second input part and the data inputted through the first input part; or instead if the drawing happens according to the data inputted through the first and

second input parts. This lack of clarity regarding the scope of the claim renders the claim indefinite.

In lines 25-30 of claim 5, it is unclear whether the limitation "a second associated lesion estimation and indication part calculating a position of each of associated lesions and indicating the associated lesions in the associated cut surface based on the associated nerve pathways displayed on said display by said second associated nerve pathway indication part" limits the claim such that the associated lesion estimation and indication part calculates, then indicates in the associated cut surface, the position of associated lesions, where the calculation and indication of the position are based on the associated nerve pathways drawn on the display; or instead such that the associated lesion estimation and indication part calculates the position of associated lesions and indicates the associated lesions in the associated cut surface, where the associated cut surface is based on the associated nerve pathways drawn on the display by said associated nerve pathway indication part. It is further unclear whether the associated nerve pathways are displayed so as to display the associated lesions in the associated cut surface; or instead if the estimation and indication part calculates the position of associated lesions in order to display the lesions in the associated cut surface. This lack of clarity regarding the scope of the claim renders the claim indefinite.

In reference to Claims 6, 7, and 10

In lines 5-7 of claim 6, it is unclear whether the second data recording part contains data of curves and straight lines which connect the associated nerve nuclei with each other in all of the cut surfaces, or instead if the second data recording part

contains data of nerve nuclei names, connections, curves, etc. and the data is for every cut surface. This lack of clarity regarding the scope of the claim renders the claim indefinite.

In reference to Claims 7 and 10

In lines 6-9 of claim 7, it is unclear whether the second data extraction part extracts, when a neural finding is an abnormal neural finding, data of names, data of connection relations, and data of curves, etc.; or instead if one of the things that the second data extraction part extracts is data of curves and straight lines representing nerve fascicles which connect the associated nerve nuclei with each other, the connection occurring when a neural finding is an abnormal neural finding. It is further unclear how "second data recording part" in line 8 relates to the claim. This lack of clarity regarding the scope of the claim renders the claim indefinite.

In reference to Claims 8 and 10

In lines 3-8 of claim 8 it is unclear whether the second estimation and indication part detects two regions, a first region where associated nerve pathways displayed on the display intersect with each other, and a second region where associated nerve pathways approach each other at closest region; or instead if the estimation and indication part detects a single region where associated nerve pathways intersect both each other and intersect a region where other associated nerve pathways approach each other at closest distance. It is unclear whether these are the same or different objects. This lack of clarity regarding the scope of the claim renders the claim indefinite.

In reference to Claims 12-15

In lines 10-13 of claim 12, it is unclear whether the first data extraction part extracts, when a neural finding is an abnormal neural finding, names, positions, curves, etc.; or instead if the first data extraction part extracts data of curves and straight lines which connect the associated spinal roots with the associated skin areas, and the connection happens when a neural finding is an abnormal neural finding. This lack of clarity regarding the scope of the claim renders the claim indefinite.

In reference to Claims 14-15

In lines 5-7, it is unclear what is “related to data of normal findings", the associated nerve pathway part, the skin area, or something else. The remainder of the claim is incomprehensible, thereby rendering the claim indefinite.

In reference to Claim 15

It is unclear whether the findings with respect to muscle strength are related to movement of joints and perception disorder of skin areas, or if the findings include muscle strength related to movement of joints, and further include perception disorder of skin areas.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-4 and 11-14 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 93/17614 to Fardin ("Fardin").

9. Fardin teaches:

In reference to Claim 1

A nerve diagnostic system with the use of a computer (pg. 22 lines 11-25), wherein the nerve diagnostic system comprises: a first data recording part (first anatomic diagram **4** and second anatomic diagram **6** are displayed on a display when the unit is turned on, pg. 9 lines 1-5, and the data is stored or "held", pg. 15 lines 20-25, thus a memory of some type is inherent) storing data of whole nerve pathway diagrams; a first input part (keys **8**, in combination with processor, memory, and function that accepts input of motion deficit evaluation) for receiving input data of neural findings (see pg. 16 line 19 – pg. 17 line 19); a first data extraction part (a function within the processor with which "the nervous trunks that may be the sites of the lesions are displayed", pg. 19 lines 4-10 would inherently extract data) for extracting data for drawing associated nerve pathways related to abnormal neural findings items from the data stored in said first data recording part according to neural finding inputted through said first input part; a display (display **9**); a whole nerve pathway indication part (a function within the computer that displays first anatomic diagram **4** and second anatomic diagram **6** on display **9** is inherently present, see for example pg. 16 lines 14-19) for displaying a whole nerve pathway diagram on said display based on the data stored in said first data recording part; an associated nerve pathway indication part (In step 17 the processor determines the nervous trunks that may be the sites of the lesion

and then displays them, see pg. 18 lines 4-10) for drawing associated nerve pathways in the whole nerve pathway diagram displayed on said display based on the data extracted by said first data extraction part (the nervous trunks are highlighted on the first and second diagrams); and an associated lesion estimation and indication unit (the processor inherently determines the location of the lesion prior to being capable of displaying which nervous trunks may be the site of lesion, pg. 18 lines 4-10) for calculating a position of each of associated lesions and indicating the associated lesions in the whole nerve pathway diagram based on the associated nerve pathways drawn on said display by said associated nerve pathway indication unit.

In reference to Claim 2

The nerve diagnostic system of claim 1 (see above) wherein the data (see Fig. 1B, a depiction of the anatomic diagrams, which is inherently stored) stored in said first data recording part contains data of names of nerve nuclei and positions thereof in the whole nerve pathway diagram ("ULNAR N.", diagram shows positions of nerves relative to muscles and other nerves), data of connection relations in the respective nerve nuclei (branching areas show connections), and data of curves and straight lines representing nerve fascicles which connect the nerve nuclei with each other (straight lines represent nerves, the connections are slightly curved).

In reference to Claim 3

The nerve diagnostic system of claim 2 (see above) wherein the first data extraction part is adapted to extract from said first data recording part, data of names of associated nerve nuclei and positions thereof in the whole nerve pathway diagram, data

of connection relations in the associated nerve nuclei, data of curves and straight lines representing nerve fascicles which connect the associated nerve nuclei with each other when a neural finding is an abnormal neural finding (The processor is inherently adapted to extract the above information, as it takes it from memory and displays it, see rejection of claim 2. In addition, this can occur each time a new motion deficiency evaluation occurs).

In reference to Claim 4

The nerve diagnostic system of claim 3 (see above) wherein the responsible lesion estimation/indication unit is adapted to detect a region where associated nerve pathways displayed on said display intersect with each other and a region where said associated nerve pathways approach each other at closest distance, and presumes the detected regions to be associated lesions so as to display the associated lesion in said whole nerve pathway diagram on said display (In order to display what is shown in Fig. 1B, the processor must be adapted to detect a region where the nerve pathways intersect each other and approach one another in closest relation, as the display shows instances when these instances occur, and draws them. Because the processor determines the likely location of the lesion, whenever this occurs where nerve pathways on the diagram are close together, the claimed condition would be met).

In reference to Claim 11

The nerve diagnostic system of claim 1 (see above) wherein the data (see Fig. 1B, a depiction of the anatomic diagrams, which is inherently stored, and pg. 21-22) stored in said first data recording part contains data of at least names of spinal roots,

muscles, and skin areas and positions thereof of respective spinal roots (see Fig. 1B and Figs. 6A-7) in the whole nerve pathway diagram (see Figs. 6A-7), data of connection relations of the spinal roots and the muscles (branching areas show connections between spinal roots, Fig. 6B shows connection relations between spinal roots and muscles), and data of curves and straight lines representing nerve fascicles for connecting the spinal roots with the skin as well as data of connection relations of the spinal roots and the skin areas and, curves or straight lines for connecting the respective spinal roots with the respective skin areas (See Fig. 6C).

In reference to Claim 12

The nerve diagnostic system of claim 11 (see above) wherein the first data extraction part is adapted to extract from said first data recording part data of names of associated spinal roots, associated muscle and associated skin areas and positions thereof in the whole nerve pathway diagram, data of connection relations in the associated spinal roots and the associated muscles, and data of curves and straight lines representing nerve fascicles which connect the associated spinal roots with the associated areas as well as data of connection relations of the associated spinal roots and the associated skin areas, and data of curves and straight lines which connect the associated spinal roots with the associated skin areas when a neural finding is an abnormal neural finding. (The processor is inherently adapted to extract the above information, as it takes it from memory and displays it, see rejection of claim 2. In addition, this can occur each time a new motion deficiency evaluation occurs.).

In reference to Claim 13

The nerve diagnostic system of claim 12 (see above) wherein the associated lesion estimation and indication part is adapted to detect a region where associated nerve pathways displayed on said display overlap with each other at a highest degree and presume the detected region to be an associated lesion so as to display the associated lesion in said whole nerve pathway diagram on said display (In order to display what is shown in Fig. 1B, the processor must be adapted to detect a region where the nerve pathways intersect each other and approach one another in closest relation, as the display shows instances when these instances occur, and draws them. Because the processor determines the likely location of the lesion, whenever this occurs where nerve pathways on the diagram are close together, the claimed condition would be met).

In reference to Claim 14

The nerve diagnostic system according to claim 13 (see above) further comprising a third associated lesion estimation and indication part (the processor removes from processing, the nerve pathways which are running through muscles that are not altered, see Table 1) for removing an associated nerve pathway part corresponding to nerve fascicles (the various nerves are nerve fascicles) which connect a muscle or skin area (the muscles connect muscles) which is related to data of normal findings (i.e. no muscular deficit) with the associated spinal roots from the associated nerve pathways drawn in said whole nerve pathway diagram on the display by said responsible lesion estimation said associated lesion estimation and indication part in the case when data of an abnormal neural finding of the muscles or the skin areas which

are related to said associated nerve pathways is inputted through said first input part (processor always receives input related to abnormality of respective muscles).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

11. Claims 10 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fardin.

In reference to Claims 10 and 15

Fardin teaches the system of claims 1-4 (see above) and 14, but does not teach that the basis for motion deficit evaluation includes each of the symptoms described in claim 10. However, Fardin teaches that when localizing a lesion, the clinician includes as much information as possible from the patient's clinico-electromyographical examinations (see pg. 4 lines 14-19). Thus it was recognized that a variety of information sources could be used to diagnose neural lesions. In addition, a finite number of potential solutions would provide predictable results. It would have been obvious to one having ordinary skill in the art at the time of the invention to have modified the system of Fardin by including additional symptoms that are indicative of various neural lesion locations in the algorithm for determining the location of neural lesions. The modification would have a reasonable expectation of success.

Allowable Subject Matter

12. The subject matter of claims 5-9 appears to be allowable over the prior art of record if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims. Due to the issues regarding indefiniteness, the examiner reserves the right to later reject the claims based on either the prior art of record or new art pending revision of the claims, as currently the scope of the claims are unclear.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN PANI whose telephone number is (571)270-1996. The examiner can normally be reached on Monday-Friday 7:30 am - 5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max Hindenburg can be reached on 571-272-4726. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JP 7/15/2008

/Max Hindenburg/
Supervisory Patent Examiner, Art Unit 3736